IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 18368 of 2005

Date: 20.08.2005

Between:

J. Sumalatha, D/o.J. Samuel,

R/o. Bhagireddy pally, Zaheerabad,

Medak District.

PETITIONER

Vs.

1. The Chairman, DIET-CET-2005 &

Director of School Education, A.P., Hyderabad and another

RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 18368 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not considering her case for allotment of a seat in DIET course.

According to the petitioner, she has secured 40.7% of marks in the eligibility examination i.e., Intermediate Education. She appeared for Common Entrance Examination and secured a rank. In the course of selections, the petitioner claimed that she is entitled to be considered under the quota for the children of Defence Personnel. It is also claimed that she belongs to Scheduled Caste Community. Further, the respondents are taking objection on the ground that the petitioner is not eligible for being considered under the quota reserved for the children of the Ex-Servicemen/ Defence Personnel, as she did not secure 45% of the marks in the eligibility examination. Hence, the petitioner has come up with the present writ petition.

The learned counsel for the petitioner contends that as per the Admission Rules issued for conducting the Entrance Examination, the Educational Qualifications specified clearly shows that with reference to the candidates belonging to Scheduled Caste, Scheduled Tribe and Physically Handicapped, the minimum percentage of marks is only 40% in the Intermediate examination and not 45%. Therefore, the action of the respondents is illegal and unsustainable.

The learned Government Pleader for School Education, on instructions, sought to contend that as the petitioner has claimed a seat under the quota reserved for the children of Ex-Servicemen/Defence Personnel, she has to secure 45% in the eligibility examination. Therefore, she is not entitled for concession as is provided under the Rules or Instructions contained in the Admission Rules.

Heard both sides and considered the material available on record.

A perusal of the Admission Rules contained in the prospectus as to the Common Entrance Test, the educational qualifications contained at paragraph No.1(d) clearly shows that the candidates have to pass Intermediate Examination or its equivalent. The candidates should have secured 45% of marks in aggregate in qualifying examination. The minimum percentage of marks in the case of Scheduled Caste, Scheduled Tribe and Physically handicapped candidates shall however be 40%.

In view of the above, and as it is not in dispute that the petitioner belongs to Scheduled Caste, the minimum percentage of marks to be secured in the qualifying examination is only 40% and not 45% as is observed by the respondents.

Under the above circumstances, the writ petition is disposed of directing the respondents to consider the claim of the petitioner for allotment of a seat reserved for the children of Defence Personnel and allot a seat in accordance with the rank obtained by her. No costs.

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S. Ananda Reddy, J

Date: 20.08.2005

Note: Furnish CC by Monday

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